

REMARKS

Responsive to the first Office action, applicant has amended the specification by dealing with the two formalities identified by the Examiner. Specifically, applicant has noted that reference to mold 10 on page 4, line 10, is a reference to the mold of Fig. 1 rather than the mold of Figs. 6 and 7. Second, applicant has corrected the typographical error on page 4, line 6, by changing reference numerals "114, 214" to --112, 212--.

With respect to the merits, the Examiner rejected claims 1-6, 9, 11 and 12 under 35 U.S.C. § 102(b) as being anticipated by Reinert. In Figs. 1-3, Reinert shows a conventional method of securing a wall fixture to a **finished** wall. As described by Reinert, base 13 of fixture 10 is secured substantially flush with the finished wall member. However, unlike applicant's "shape structure", the proposal in Reinert involves cutting an opening in a completed tile wall and positioning housing member 14 so that flanges 16, 17 are disposed on the marginal edges of the tile members adjacent the opening.

Unlike Reinert, applicant's "shape structure" of amended claim 1 includes a first region "constructed for being attached to a preliminary wall", and a second region "constructed for being located in an opening formed in the preliminary wall". Similarly, amended claim 1 distinguishes over anything shown or suggested in Reinert because it requires that the mold includes a first region "constructed for being attached to a preliminary wall associated with the shower wall" and a second region "constructed for being located in an opening formed in the preliminary wall and the shower wall".

Reinert shows a typical conventional proposal which does not provide for the unique shape structure of applicant's invention that can be efficiently attached to a preliminary wall prior to finishing of the wall.

The Examiner also applies U.S. Patent No. 1,744,187 to Webster in his rejection of claims 10 and 13. The Examiner uses Webster to show what the Examiner believes is a third region for fastening the fixture to the wall. Again, Webster is an example of a typical

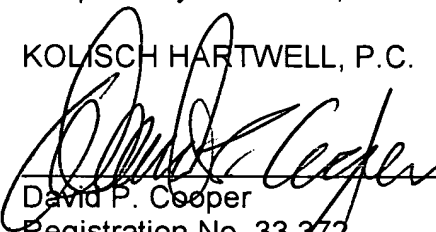
conventional proposal in which projections 11 and 12 extend into notches formed in a finished wall and are fastened to the finished wall by screws 13, 14.

In summary, neither Reinert nor Webster show or suggest applicant's "shape structure" with first and second regions "constructed to be attached to a preliminary wall". The remaining two references cited but not applied by the Examiner are no more relevant than either Reinert or Webster.

Accordingly, applicant respectfully requests allowance of all pending claims and issuance of a Notice of Allowance. If there are any questions regarding this matter, please telephone the undersigned.

Respectfully submitted,

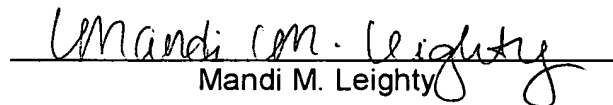
KOLISCH HARTWELL, P.C.



David P. Cooper
Registration No. 33,372
PTO Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 13, 2007.



Mandi M. Leighty